THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19727 of 1996

ORAL ORDER:

This writ petition is filed seeking Mandamus declaring the order of the second respondent in No.P-VIII-4/93-EC-3 dated 4.8.1995 as confirmed by the first respondent vide order in No.R.XIII-6/96-ADMN.1 dated 18.5.1996 as arbitrary and illegal.

It appears, petitioner was appointed as Constable on temporary basis in the 3rd Battalion of the Special Armed Police at Madras on 24.9.1965. Subsequently, he was promoted as Lance Naik with effect from 1.2.1977 and he was further promoted as Sub-Inspector, but unfortunately through the impugned order, he has been reverted to the post of Head Constable and thereafter on attaining the age of superannuation, he retired from service with effect from 31.8.2000. The only qualification that required for being promoted to the post of Sub-Inspector from the post of Head Constable was a pass in departmental test i.e. Civil Education Examination in five attempts. According to the petitioner, he passed all the subjects within five attempts, viz. he passed Geography in May, 1981, Mathematics in November 1982, English & History in November, 1984, Science in May, 1985 and Hindi in November, 1985.

Whereas, in the counter filed on behalf of respondents, it is asserted that as per the instructions contained in Standing Order 7/80 only five chances are permissible to pass Civil Education Examination to become eligible for promotion to the post of Sub-Inspector, whereas the petitioner has passed the examinations in six chances which is against the existing rules in force. The petitioner has not filed any reply to the counter filed by the respondents.

In view of the above, I am of the opinion that the petitioner had completed Civil examinations in six attempts for being qualified and eligible to be considered to the post of Sub-Inspector. Since he has availed more than five attempts, as per rules, the services of the petitioner who was promoted by mistake, was reverted to his original post of Head Constable. However, the learned counsel for petitioner asserted that the petitioner never attempted in May 1983, since he was attached to group center, Pallipuram.

I am of the opinion that the respondents have not committed any error in passing the impugned order as confirmed by the appellate authority. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 5.12.2006

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W.P.No.19727 of 1996

5.12.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19727 of 1996

Date: 5th December, 2006

Between:

K.P.Kunjappan

.. Petitioner

And

The Additional Director General of Police,
(Inspector General of Police) (SS) C.R.P.F.,
Hyderabad & others.

.. Respondents